

ORIGINAL

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)
)
1998 Biennial Regulatory Review) MM Docket No. 98-93
Streamlining of Radio Technical Rules)
in Parts 73 and 74 of the Commission's)
Rules)

To: The Commission

COMMENTS OF SILVERADO BROADCASTING COMPANY

Silverado Broadcasting Company, by its attorney, hereby files comments in support of the proposal in the above-captioned rule making proceeding to allow applicants for new or changed FM facilities to use the point-to-point ("PTP") method described in Appendix B to the Notice of Proposed Rule Making to calculate interfering contours for the purpose of demonstrating compliance with the Commission's various overlap/interference requirements.

Silverado is the licensee of Station KWNN(FM), Turlock, California. KWNN is short-spaced to Station KOME(FM), San Jose, California, as a consequence of the Commission's action in MM Docket 88-375 which increased the maximum effective radiated power for Class A stations to 6 kilowatts and increased the required spacing between Class A stations and between Class A stations and stations of higher classification in order to maintain the interference free service areas of all classes of stations. After the rule changes increasing the maximum ERP for Class A stations to 6 kilowatts, the former licensee of KWNN (then KMIX) filed an application to increase the station's ERP to

No. of Copies rec'd 024
List ABCDE

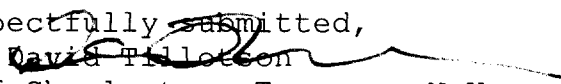
the equivalent of 6 kilowatts with antenna height 100 meters above average terrain (BPH-891023IA). The station's former licensee filed this application, notwithstanding the fact that it was short-spaced to KOME and KOME had not consented to such a power increase, based upon a showing that the Diabalo Mountain Range which stands between the KWNN and KOME transmitter sites and is not less than 2,500 feet high along a broad arc on both sides of the radial between the two sites ensured that the proposed power increase would not result in KWNN causing interference to the reception of KOME. KOME filed a petition to deny the application on the grounds that (i) it had not consented to the proposed power increase and (ii) KWNN's interfering contour as predicted by the methodology specified in subsections (c), (d)(2) and (d)(3) of Section 73.313 would overlap the protected contour of KOME and Section 73.215 which KWNN had relied upon as a basis for filing its application in the absence of KOME's consent specifically precluded the use of the alternate contour prediction method utilized by KWNN to demonstrate that no such overlap would actually occur. The Commission dismissed KWNN's application to increase power to the equivalent of 6 kilowatts with HAAT of 100 meters because, notwithstanding the indisputable "real world" fact that the proposed power increase could not possibly result in interference to KOME, the Commission's rules did not permit it to take into consideration the existence of the mountain range that fully shield KOME's

actual protected service contour from interference from KWNN regardless of KWNN's power level.

It is Silverado's understanding that the intent of the proposal to allow applicants for new or changed FM facilities to use the point-to-point ("PTP") method described in Appendix B to the Notice to calculate interfering contours is to enable all FM stations to operate with the maximum facilities for their class from sites that are short-spaced under Section 73.207 in circumstances where it can be demonstrated by the PTP contour prediction method that such short-space operations would not cause interference to areas within the protected contours of any other station. Silverado strongly supports the use of the proposed PTP contour prediction method for this purpose and submits that it is in the public interest as it will (i) enable KWNN and many other grandfathered short-spaced stations to operate with maximum facilities for their class and thereby significantly improve their service to the public without any countervailing loss of service and (ii) it will give FM stations much greater flexibility in selecting transmitter sites, thereby enabling stations to utilize the most suitable site from the standpoints of coverage, visual impact, efficient land use and cost.

WHEREFORE, for the foregoing reasons, Silverado Broadcasting Company submits that the proposal to allow applicants to use the point-to-point methodology for determining distances to coverage

contours set out in Appendix B to the Notice of Proposed Rule Making in this proceeding should be adopted.

Respectfully submitted,
/s/ 
4606 Charleston, Terrace, N.W.
Washington, DC 20007
Tel: 202/625-6241
*Attorney for Silverado Broadcasting
Company*

October 15, 1998